

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**JEREMY JOHNSTON
ADC #655364**

PLAINTIFF

v.

Case No. 3:20-cv-00096 LPR

STEVE FRANKS, *et al.*

DEFENDANTS

ORDER

Jeremy Johnston filed a *pro se* Complaint, pursuant to 42 U.S.C. § 1983, on March 25, 2020. (Doc. 2). On April 23, 2020, mail from the Court to Mr. Johnston was returned as undeliverable. (Doc. 6). On May 1, 2020, the Court entered a text Order notifying Mr. Johnston that mail could not be delivered to him because he was no longer at the address he provided. (Doc. 7). Mr. Johnston was directed to provide notice of his current mailing address by no later than thirty days from the entry of the Order on May 1, 2020. (*Id.*). Mr. Johnston was warned that his failure to provide a current mailing address would cause his complaint to be dismissed. (*Id.*). A printed copy of the Order was mailed to him at his last known address. The envelope containing the Order was returned as undeliverable to the Clerk of the Court and entered on the docket. (Doc. 8).

More than thirty days have passed, and Mr. Johnston has not complied or otherwise responded to the May 1 Order. Mr. Johnston also failed to notify the Clerk and the other parties to the proceedings of a change in his address as required by Local Rule 5.5(c)(2). Accordingly, Mr. Johnston's Complaint is DISMISSED without prejudice pursuant to Local Rule 5.5(c)(2) and Rule 41(b) of the Federal Rules of Civil Procedure. *See Miller v. Benson*, 51 F.3d 166, 168 (8th

Cir. 1995) (stating that district courts have inherent power to dismiss a case *sua sponte* for failure to prosecute). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal taken from the Order and Judgment dismissing this action would not be taken in good faith.

IT IS SO ORDERED this 8th day of June 2020.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', is written over a horizontal line.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE